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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,350	02/07/2002	Katsushi Fujii	219212US6	7425

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,350

Applicant(s)

FUJII ET AL.

Examiner

Ba Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/05 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2002/0071,540 (Dworkin).

- As for claims 1, 4-6: Dworkin teaches a computer implemented system and corresponding method connected to a network server (figure 2) for managing a first service of distributing contents in real-time according to a reservation made in advance by a first terminal, and, to a second terminal for requesting the use of first service and the use of a second service of providing a chat space (0002-0008, 0015-0019), comprising the means/steps for:

authentication means for authenticating the second terminal by the use of authenticating data used by the server to authenticate the terminal (0018, 0024), acquiring means configured to acquire reservation information, sent by the first terminal, to the information processing apparatus from a reservation database in order to provide the first service (0015, 0025), generating means configured to generate the chat space corresponding to the reservation at scheduled distribution start time designated by the reservation (0019-0021, 0025-0028) providing means for providing the second service for the terminal as a result of authentication (0024, 0025).

Although Dworkin teaches generating the chat space at scheduled time (0026), Dworkin fails to clearly teach that the chat space is generated at “predetermined time” prior to a distribution start time. However since the chat space must be available at scheduled time for customer satisfaction, Official notice is taken that it would have been obvious to one of skill in the art, at the time the invention was made, to implement generating the chat space at “predetermined time” prior to a distribution start time. Motivation of the implementation is for avoiding schedule confliction and overlapping.

Dworkin teaches means for viewing reservation, first and second tiers of authentication for protecting access to the conference room by others and allowing only authorized user to enter a reserved conference (0028), means for keep track user online or offline, means for automated calling and scheduling

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(0031). Dworkin fails to clearly teach sending distribution notice with authentication data to the second terminal. However official notice is taken that it would have been obvious to one of skill in the art at the time the invention was made, to implement sending distribution notice with authentication data to the second terminal for informing the upcoming reserved conference.

- As for claims 2, 3: The first service is a service for distributing contents sent according to a reservation made in advance, to the terminal in real-time (0004, 0008, 0016-0018), and the second service is a service for providing a chat space corresponding to the reservation for the terminal (0002-0008, 0015-0019).

Response to Arguments

Applicant's arguments filed 6/30/05 have been fully considered but they are not persuasive.

REMARKS:

In response to the applicant's argument, chat space is available at the time of purchasing (0026) with live distribution of streaming content (0027).

In response to applicant's argument that the Official notice of obviousness reasoning is not support by a second reference, the applicant is reminded that the Official notice is taken based on a line of reasoning that one skill in the art would have found the claimed invention to have been obvious in light of the teaching of the references. The Official notice is not taken based on something is well known (but does not exclude the possibility that the claimed limitation is well known), therefore a reference supporting this reasoning is not needed. See

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MPEP 706.02(j) and Ex parte Clapp, 27 USPQ 972, 973. In this case, since the chat space must be available at the time of the conference for avoiding any possibility unhappy delay and customer satisfaction, it would be a good business practice to generate the chat space at predetermined time prior to the schedule distribution time. Similarly, it would be a good business practice to send out a notice to remind a customer of the upcoming reserved meeting.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,772,229 teaches sending notice with authentications to participants of a communication (Summary of Invention, claims 53-55),

US 6,760,412 teaches sending reminder of scheduled events (abstract),

US 5,933,417 teaches sending notice with authentication (Summary of Invention),

US 6,094,214 teaches meeting authentication (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary examiner
AU 2179
7/23/05

**BA HUYNH
PRIMARY EXAMINER**